

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 KENNETH WAYNE MILLS,

12 Petitioner,

13 v.

14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA,

16 Respondent.

No. 2:17-cv-2099 TLN DB P

ORDER

17  
18 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas  
19 corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

20 The application appears to attack a conviction issued by the Los Angeles County Superior  
21 Court.<sup>1</sup> While both this court and the United States District Court in the district where petitioner  
22 was convicted have jurisdiction, see Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973),  
23 any and all witnesses and evidence necessary for the resolution of petitioner's habeas application  
24 are more readily available in Los Angeles County. Id. at 499 n.15; 28 U.S.C. § 2241(d).

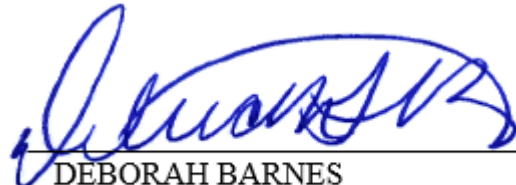
25  
26 \_\_\_\_\_  
27 <sup>1</sup> Petitioner also appears to be complaining about this court's dismissal of a prior action, which he  
28 filed as a habeas petition but describes as a civil rights action. If petitioner wishes to file a civil  
rights action under 42 U.S.C. § 1983, he may do so by initiating a new action in this court using  
the appropriate form for a complaint under § 1983.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:

1. This court has not ruled on petitioner's application to proceed in forma pauperis; and
2. This matter is transferred to the United States District Court for the Central District of California.

Dated: April 3, 2018

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

DLB:9  
DB/orders/prisoner-habeas/mill2099.108